IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 14539 of 2004

Between:

B. Basamma W/o. Shanthappa, Peddakadabur (M), Kurnool District.

..... PETITIONER

AND

1 The Joint Collector, Kurnool
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Peddakadabur Revenue Mandal,

Peddakadabur, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in passing orders vide Rc.No.778/2004, Dt. 20.7.2004 suspending the F.P.Shop Dealership held by the petitioner of Gavigattu village, Peddakadabur Mandal, Kurnool District as illegal, arbitrary, unjust and against the principles of natural justice by set-aside the same and consequentially directing the respondents to continue the petitioner as the Dealer of the F.P.Shop of the Gavigattu Village, Peddakadabur Mandal, Kurnool District, in the interest of justice.

Counsel for the Petitioner: MR.G.JAGADEESWAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court made the following:

ORDER:

The petitioner is an authorised Fair Price Shop Dealer in respect of Gavigattu village, Peddakadabur Mandal, Kurnool District. The Revenue Divisional Officer by proceedings dated 30.07.2004 suspended the authorisation of the petitioner, pending enquiry into alleged irregularities in distributing the essential commodities. Aggrieved by the same, this writ petition is filed.

Admittedly, against the order of suspension an alternative remedy is available by way of appeal before the Joint Collector. Since the petitioner failed to exhaust the alternative remedy available under the Statute, this writ petition cannot be maintained.

Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to work out the remedy available under the Statute. However, keeping in view the fact that the order of suspension was served on the petitioner only on 09.08.2004 and that no alternative arrangements have been made so far, there shall be a direction that the order of suspension dated 30.07.2004 shall not be given effect to for a period of two weeks.

The Writ Petition is accordingly disposed of. No costs.

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17.08.2004

VGB

To

1 The Joint Collector, Kurnool
2 The Revenue Divisional Officer, Adoni, Kurnool District.
3 The Mandal Revenue Officer, Peddakadabur Revenue Mandal,

Peddakadabur, Kurnool District.

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